IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 3130 of 2005

DATED: 22.10.2007

Between:

Muttagi Sudhakar petitioner

And

The General Manager(Personal)
State Bank of Hyderabad Head office
Gunfoundry, Hyderabad & another Respondents

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WRIT PETITION NO : 3130 of 2005

ORAL ORDER:

This writ petition is filed questioning the letter of the second respondent dated 16.2.2005 informing the petitioner that his date of birth as per the records is 10.2.1945 and he would be retiring from the services of the bank on 28.2.2005.

The petitioner herein was appointed as Clerk in the respondent bank and his services were confirmed in the cadre of clerk on 16.2.1971. He claims that he passed S.S.C in the year 1960 and his date of birth is 10.2.1947 and the same was recorded in all the records of the respondent bank, except in letter of nomination addressed by him to the Provident Fund Authorities, wherein it was wrongly noted as 10.2.1945. Thus, he contends that issuance of letter dated 16.2.2005 retiring him prematurely from service taking into consideration his date of birth as 10.2.1945 is illegal. The petitioner made a representation dated 3.2.2005 and alleges that the same was not considered and respondent bank officials reiterated that his date of birth as per bank records is 10.2.1945 only and he would be retiring from service on attaining the age of superannuation on 28.2.2005.

On the other hand, a detailed counter affidavit is filed on behalf of the respondents denying the averment of the petitioner that his date of birth was recorded as 10.2.1947 in the official records of the bank. It is further stated that the petitioner has not produced the S.S.C certificate to the respondent bank nor filed the same along with the writ petition.

It is stated that the petitioner has submitted provident fund form-A on 25.10.1972 indicating his date of birth as 10.2.1945 and now made a contrary claim. The certificates relied on by the petitioner i.e., letter dated 5.4.1971 confirming his services in the bank and letter dated 10.5.1985 said to have been addressed to the Officer-in-charge appears to have been fabricated and the said letter does not form part of the record. It is also stated that the information provided to various authorities by the petitioner in the form of self declaration has no bearing insofar as the bank records are concerned. It is alleged that the petitioner since looking after the work of dispatch section, having access to the personal files, appears to have removed necessary papers from his personal file, as such the bank is relying on the letter dated 25.10.1972 submitted by the petitioner indicating his date of birth as 10.2.1945. It is further stated that in response to the PPG letter addressed to Recovery Department, the petitioner submitted a request letter dated 24.11.2004 requesting the Trustees of the Provident Fund and Gratuity Fund authorities to settle his retirement benefits without raising any objection to his date of birth. It is thus contended that the documents produced by the petitioner are not genuine documents and the same are materially altered and fabricated and petitioner is not entitled to any relief under Article 226 of the Constitution of India.

Though, petitioner claims that he passed S.S.C in the year, 1960, for reasons best known to him, he neither submitted the said certificate nor informed the same to the respondent bank and it does not form part of the record available with the bank. The date of birth mentioned on the documents such as Permanent account number, driving license, etc cannot be taken into consideration for recording the date of birth, inasmuch as they are obtained on the self declaration given by the candidates obtaining such documents. It is the specific case of the

respondent bank that the endorsement made on letter dated 5.4.1971 noting the date of birth as 10.2.1947, is a fabricated one and the same does not form part of record and necessary documents from the personal record of the petitioner were removed, as such it has taken into consideration the self declaration submitted by the petitioner in his own hand writing on letter dated 25.10.1972 and the letter addressed by the petitioner to Recovery Department dated 24.11.2004, to settle his retirement benefits. The petitioner did not dispute submission of letter dated 25.10.1972 indicating his date of birth as 10.2.1945, however alleges that it is a mistake. Hence, in the absence of necessary documents in the personal record of the petitioner, the action of respondents in taking into consideration the letter submitted by the petitioner dated 25.10.1972 indicating his date of birth as 10.2.1945 cannot be said to be illegal. Hence, this Court is of the view that it is a speculative litigation to take advantage of the alleged endorsement made on proceedings dated 5.4.1971, which according to the respondent bank is an alteration made at a later stage.

For the foregoing reasons, the writ petition fails and accordingly, the same is dismissed. No costs.

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N.V.RAMANA,J

DATE: 22.10.2007
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